

SWEEPSTAKES AND PROMOTIONS

32B-1-206, R82-1-104

A legal sweepstakes is usually a drawing or some other method of chance, where prizes are randomly given away to participants and there is no purchase required to enter the sweepstakes.

HOWEVER, If the sweepstakes does the following:

1. pay to enter
2. the outcome is based on chance, and
3. you can receive something of value,



This would be considered a lottery, a form of gambling, and illegal in Utah and many other states. Because prizes and luck are central to sweepstakes, the element of a purchase has to be eliminated.

Sweepstakes are regulated by the Federal Communications Commission, the Federal Trade Commission, the United States Department of Justice, and the United States Postal Service. You must also know and follow all of their specific requirements as well as Utah's gambling laws.



Many of the sweepstakes requests we receive are from wineries, breweries, and distillers. Alcohol brands use this type of advertising to inform target audiences about a product, service or brand. This type of marketing tool is used generate interest, increase awareness and sales, and create brand loyalty.

Remember that there are also federal and state "tied house" regulations that have to be followed when it comes to alcohol brands and sweepstakes.

LEGAL SWEEPSTAKES IN UTAH REQUIRES THE FOLLOWING:

1. Sweepstakes Entrants Must be 21 and Older to Participate

The official rules need to state that entrants must be 21 or older to participate. Once the winners are selected proof of age must be verified.

2. No Purchase of Alcohol

Entrants cannot purchase or be required to purchase alcohol to enter a sweepstakes.

3. Prize Cannot Contain Alcohol

Every state has different regulations when it comes to alcohol being awarded as a sweepstakes prize. However, Utah prohibits advertising or offering an alcoholic product to the general public without charge. Therefore, alcohol can't be offered as a prize at any time.

4. No Point of Sale Material

Utah does not allow any point of sale materials to be used, including sweepstakes promotions.



OFFICIAL RULES

Because Utah is a control state, the commission has been given the authority to make rules regarding alcohol advertising. Any advertisement or advertising **MAY NOT**:

- Violate any federal laws
- Contain any statement, design, device, or representation that is false or misleading
- Contain any statement, design, device, or representation that is obscene or indecent
- Portray or imply illegal conduct, illegal activity, abusive or violent relationships or situations, or anti-social behavior
- Encourage over-consumption or intoxication, promote the intoxicating effects of alcohol consumption, or overtly promote increased consumption of alcoholic products
- Use unlawful discounting practice such as "happy hour", "two drinks for the price of one", "free alcohol", or "all you can drink for a certain price" etc.
- Encourage or condone drunk driving
- Depict the act of drinking
- Promote or encourage the sale to or use of alcohol by minors
- Be directed or appeal primarily to minors by:
 - Using any symbol, language, music, gesture, cartoon character, or childhood figure such as Santa Claus that primarily appeals to minors
 - Employing any entertainment figure or group that appeals primarily to minors
 - Placing advertising in magazines, newspapers, television programs, radio programs, or other media where most of the audience is reasonably expected to be minors, or placing advertising on the comic pages of magazines, newspapers, or other publications
 - Placing advertising in any school, college or university magazine, newspaper, program, television program, radio program, or other media, or sponsoring any school, college or university activity
 - using models or actors in the advertising that are or reasonably appear to be minors
 - Advertising at an event where most of the audience is reasonably expected to be minors
 - Using alcoholic beverage identification, including logos, trademarks, or names on clothing, toys, games or game equipment, or other materials intended for use primarily by minors.
- Portray use of alcohol by a person engaged in any activity that requires a high degree of alertness or representations that individuals can obtain social, professional, educational, athletic, or financial success or status as a result of alcoholic beverage consumption
- Represent that individuals can solve social, personal, or physical problems as a result of such consumption
- Offer alcoholic beverages without charge
- Require the purchase, sale, or consumption of an alcoholic beverage in order to participate in any promotion, program, or other activity
- Imply by use of appealing characters or life-enhancing images that consumption of the product will benefit the consumer's health, physical prowess, sexual prowess, athletic ability, social welfare, or capacity to enjoy life's activities